

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Docket No. 10841US07**

***In the Application of:***

ISEBERG et al.

***Serial No.:*** 10/622,224

***Confirmation No.:*** 4645

***Filed:*** July 18, 2003

***For:*** HIGH FIDELITY INSERT  
EARPHONES AND METHODS OF  
MAKING SAME

***Examiner:*** Huyen D. Le

***Group Art Unit:*** 2615

**Certificate of Electronic Transmission**

I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office via EFS on:

October 26, 2007

/Jonathan M. Rushman/

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**DECLARATION  
for  
REISSUE PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a reissued patent is sought on the invention entitled

**HIGH FIDELITY INSERT EARPHONES AND METHODS OF MAKING SAME**

the specification of which was filed on July 18, 2003 as United States Reissue Application Number 10/622,224 ("this application").

I understand that this application is being filed to reissue U.S. Patent No. 5,887,070, which was issued on March 23, 1999 ("the original patent") and which was reissued as RE38,351 on December 16, 2003 ("the reissue parent"). This application claims priority from, and is a continuation of, the reissue parent. I believe the original patent to be partly inoperative because I claimed less than I had the right to claim in the patent. One error being relied upon as the basis for reissue is the previous omission of claims having the scope of claims 59-75 newly submitted with this application. For example, claims 59-75 generally claim an insert earphone that is supported by the ear of the wearer. Neither the original patent, nor the reissue patent, contained such claims. I understand that claims 59-75 are broader than any claim in these patents in at least this respect.

Every error in the patent which as corrected in this application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicants.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information which I know to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below. I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Is Priority Claimed?</u>
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None

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

<u>Application Number</u>	<u>Filing Date</u>
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None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

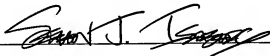
This declaration names 2 inventor(s) below.

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Information about sole or first inventor:

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First inventor's signature: \_\_\_\_\_



Date Signed: \_\_\_\_\_

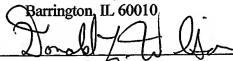
JUNE 5, 2007

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Date Signed: \_\_\_\_\_

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